

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VICTOR CAMPBELL,

Plaintiff,

-against-

CITY OF NEW YORK, et al.,

Defendants.

21-CV-04056 (JLR)

ORDER

JENNIFER L. ROCHON, United States District Judge:

On March 8, 2023, the Court held a status conference to confirm Plaintiff's intention to prosecute this case and to set discovery deadlines. Plaintiff did not appear for this conference.

Plaintiff has not appeared in this action for several months. On November 4, 2022, the Court ordered Plaintiff, in addition to his former counsel, to appear at a conference on November 30, 2022. ECF No. 38. Plaintiff did not appear at the November 30, 2022 Conference. The Court granted Plaintiff's attorneys' motion to withdraw as counsel since his counsel represented that he had been unable to reach Plaintiff despite repeated efforts. ECF No. 43. The Court afforded Plaintiff about two months to find substitute counsel and directed Plaintiff to inform the Court by January 25, 2023 whether he had obtained new counsel or planned to proceed *pro se*. *Id.* The Court also warned that if Plaintiff did not file a letter, the case may be dismissed for failure to prosecute. *Id.* Plaintiff's former counsel filed an affidavit of service of this order on the Plaintiff. ECF No. 44.

By January 30, 2023, the Court had not received any letter from Plaintiff. ECF No. 46. Accordingly, the Court adjourned the scheduled February 1, 2023 status conference in this case until March 1, 2023. ECF No. 46. The Court directed Plaintiff to file a letter

informing the Court of whether he has retained new counsel or plans to proceed *pro se* by February 17, 2023. *Id.* Due to a clerical error this order was not mailed to Plaintiff. On February 23, 2023, the Court therefore adjourned the March 1, 2023 Conference until March 8, 2023 and the Clerk of Court mailed a copy of its order to Plaintiff. ECF No. 49. On March 2, 2023, Defense counsel requested an adjournment of the March 8, 2023 conference at 10:00 AM. ECF No. 51. Defense counsel noted that Plaintiff consented to the adjournment request in its letter. *Id.* The Court adjourned the conference to 4:00PM on March 8, 2023. ECF No. 52. The Court directed defense counsel to serve a copy of its order rescheduling the conference on Plaintiff by mail, email, and if possible, telephone. *Id.*

During the March 8, 2023 conference, defense counsel confirmed that she emailed with Plaintiff about requesting an adjournment of the March 8, 2023 Conference to the afternoon and received his consent. On March 6, 2023, after the Court adjourned the March 8, 2023 conference to 4:00 PM, defense counsel emailed the order (ECF No. 52) to Plaintiff. Plaintiff asked defense counsel by email if the conference was in person and after being informed that it was, Plaintiff replied “ok.” Plaintiff did not inform defense counsel or the Court that he was unable to attend the March 8, 2023 conference. Indeed, Plaintiff has not communicated with the Court, appeared, or filed anything in this case for months, despite repeated Court orders instructing him to do so.

The Court will offer Plaintiff one last chance to participate in this action. The Court will hold a video conference over Microsoft Teams on **March 15, 2023 at 10:00 AM**. No later than 48 hours before the conference, the parties shall file a joint letter with their contact information so that the Court may provide log-in information. *See* Rochon Individual Rules of Practice in Civil Cases, 2B. The public listen-only line may be accessed by dialing Toll-Free Number: 877-336-1831 and using the Access Code: 5583342. Plaintiff shall inform the


Court if he is unable to participate by video conference and he will be allowed to attend through the aforementioned telephone number.

Plaintiff is advised that failure to participate in this conference without good cause shown will result in this case being dismissed for failure to prosecute.

The Clerk of Court is respectfully asked to mail a copy of this Order to the Plaintiff at the address in ECF No. 44. The Clerk of Court is also respectfully requested to add Plaintiff's address to the docket. Defense counsel shall immediately send a copy of this Order to Plaintiff by email.

Dated: March 8, 2023
New York, New York

SO ORDERED.


JENNIFER L. ROCHON
United States District Judge